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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP			FERGUSON, KEITH	
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CHICAGO, IL 60606			2683	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/652,734

**Applicant(s)**

BACHNER ET AL.

**Examiner**

Keith T. Ferguson

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-80 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-27 and 29-78 is/are rejected.
- 7) ☒ Claim(s) 8, 28, 79 and 80 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/5/05</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-80 have been considered but are moot in view of the previous ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 9-15, 18, 33, 34, 37-43, 46-60, 63-66, 68, 70, 71 and 74-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Criss et al. in view of Wecker et al. and Fillibrown et al., newly cited reference.

Regarding claims 1, 4, 33, 56, 59 and 70, Criss et al. discloses a wireless intelligent personal server (mobile terminal) (wireless display system) (fig. 2), comprising: a radio frequency (Rf) receiver for receiving downstream data transmitted over a first wireless communications channel (paragraph 0056); a memory (fig. 1 number 50); a central processing unit (CPU) (fig.

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1 number 40); a set of embedded machine language instructions, said set of embedded machine language instructions being executable by said CPU for processing said downstream data to provide at least one electronic file in said memory (paragraphs 0075, 0076 and 0082). Criss et al. differs from claims 1, 56 and 70 of the present invention in that it does not explicitly disclose a first interface for allowing an external (separate) display device to access an electronic file and the mobile terminal is a wireless intelligent network server. Wecker et al. teaches a first interface (sync. Component) (fig. 1 number 28) for allowing an external (separated) display device (desktop computer) (fig. 1 number 16 and fig. 5 number 77) to selectively access an electronic file from a mobile device (col. 4 lines 6-34 and claim 1, col. 15 lines 19-30, claim 10, col. 16 lines 9-15 and claim 11, col. 16 lines 15-24). Fillibrown et al. teaches a wireless server (fig. 1 number 140) that may be implemented as a handheld device, personal computer, internet appliance, or other computing platform capable of executing software algorithms needed to enable a personal wireless network (paragraph 0061). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Criss et al. (mobile terminal) with a first interface for allowing an external (separated) display device to selectively access an electronic file and the mobile terminal is a wireless intelligent network server in order for the mobile terminal to upload a software file with a software file of the host so that a user of a personal computer can compare or exchange information with the mobile terminal and view that the latest version of software implemented from the host, as taught by Wecker et al., and Fillibrown et al..

Regarding claims 2, 34, 57, 58 and 71, Criss et al. discloses said downstream data reflects changes made to at least one source electronic file (files do not match or new) (paragraph 0075), said at least one is electronic file being an updated version of at least one existing electronic file stored in said memory (paragraph 0075).

Regarding claim 3, Criss et al. discloses wherein said at least one electronic file is a new electronic file (paragraph 0075 and 0076).

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Regarding claims 5 and 60, Criss et al. discloses said first interface (fig. 2 number 42) (keypad) allows said external display device to change said at least one electronic file (paragraph 0094).

Regarding claims 9,37,47,52,54 and 63, Criss et al. discloses a radio frequency (RF) transmitter for transmitting at least one signal over a second wireless communications channel (paragraph 0057).

Regarding claims 10,38,48,53,55,64 and 74, Criss et al. discloses said RF transmitter transmits an acknowledgement signal over said second wireless communications channel when said RF receiver receives said downstream data (paragraph 0072 and 0073).

Regarding claims 11,39,65 and 75, Criss et al. discloses said RF transmitter transmits upstream data over said second wireless communications channel, said upstream data reflecting changes to said at least one electronic file made by said external display device (paragraph 0094 and 0095).

Regarding claims 12 and 40, Criss et al. discloses a second interface (keypad or touch sensitive screen) for controlling a wireless telephone to transmit at least one signal (paragraph 0053).

Regarding claims 13,41 and 77, Criss et al. discloses said second interface controls said wireless telephone to transmit an acknowledgement signal when said RF receiver receives said downstream data (paragraphs 0053 and 0072).

Regarding claims 14,42,49,50 and 78, Criss et al. discloses said second interface controls said wireless telephone to transmit upstream data, said upstream data reflecting changes to said at least one electronic file made by said external display device (paragraph 0094 and 0095).

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Regarding claims 15,43 and 76, Criss et al. discloses a battery for powering said wireless intelligent personal server (fig. 17 number 505).

Regarding claims 18 and 66, Criss et al. discloses a bar-code input for connecting a bar-code reader (fig 2 number 44).

Regarding claims 20 and 68, Criss et al. discloses a keyboard input for connecting an external keyboard (paragraph 0053).

Regarding claims 46 and 51, Criss et al. discloses a method for updating a target electronic file to reflect changes made to a source electronic file (paragraph 0015), comprising a wireless intelligent personal server (mobile terminal) (wireless display system) (fig. 2), comprising: a radio frequency (Rf) receiver for receiving downstream data transmitted over a first wireless communications channel (paragraph 0056); a memory (fig. 1 number 50); a central processing unit (CPU) (fig. 1 number 40); a set of embedded machine language instructions, said set of embedded machine language instructions being executable by said CPU for processing said downstream data to provide at least one electronic file in said memory (paragraphs 0075,0076 and 0082). Criss et al. differs from claims 46 and 51 of the present invention in that it does not explicit disclose a first interface for allowing an external (separate) display device to access an electronic file and the mobile terminal is a wireless intelligent network server. Wecker et al. teaches a first interface (sync. Component) (fig. 1 number 28) for allowing an external (separated) display device (desktop computer) (fig. 1 number 16 and fig. 5 number 77) to selectively access an electronic file from a mobile device (col. 4 lines 6-34 and claim 1, col. 15 lines 19-30, claim 10, col. 16 lines 9-15 and claim 11, col. 16 lines 15-24). Fillibrown et al. teaches a wireless server (fig. 1 number 140) that may be implemented as a handheld device, personal computer, internet appliance, or other computing platform capable of executing software algorithms needed to enable a personal wireless network (paragraph 0061). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Criss et al. (mobile terminal) with a first interface for allowing an external (separated) display device to selectively access an

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electronic file and the mobile terminal is a wireless intelligent network server in order for the mobile terminal to upload a software file with a software file of the host so that a user of a personal computer can compare or exchange information with the mobile terminal and view that the latest version of software implemented from the host, as taught by Wecker et al., and Fillibrown et al..

4. Claims 6,7,35,36,61,62,72 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Criss et al. in view of Wecker et al. and Fillibrown et al. as applied to claims 1,33,56,70 above and in further view of Grew et al..

Regarding claims 6,7,35,36,61,62,72 and 73, the combination of Criss et al., Wecker et al. and Fillibrown et al. differs from claims 6,7,35, 36,61,62,72 and 73 of the present invention in that they do not disclose said external display device is a personal digital assistant (PDA). Grew et al. teaches said external display device is a personal digital assistant (PDA) (fig. 2 and col. 1 lines 55-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the combination of Criss et al., Wecker et al. and Fillibrown et al. with said external display device is a personal digital assistant (PDA) in order to have a small personal computer that an user could view download updated

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software file sent from the host computer, as taught by Grew et al..

5. Claims 16 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Criss et al. in view of Wecker et al. and Fillibrown et al. as applied to claims 1,12,15 and 33 above and in further view of Gombrich.

Regarding claims 16 and 44, the combination of Criss et al., Wecker et al. and Fillibrown et al. differs from claims 16 and 44 of the present invention in that they do not disclose first power contacts for electrically connecting to recharger contacts disposed on said external display device; and a first power management circuit for selectively connecting said battery to said first power contacts. Gombrich teaches first power contacts for electrically connecting to recharger contacts disposed on said external display device (col. 8 line 57-col. 9 line 14); and a first power management circuit for selectively connecting said battery to said first power contacts (col. 7 lines 35-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the combination of Criss et al., Wecker et al. and Fillibrown et al. with first power contacts for electrically



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connecting to recharger contacts disposed on said external display device; and a first power management circuit for selectively connecting said battery to said first power contacts in order to recharge said display when reviewing download files, as taught by Gombrich.

6. Claims 17 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Criss et al. in view of Wecker et al. and Fillibrown et al. as applied to claims 1,12,14,43, and 33 above and in further view of Shimura.

Regarding claims 17 and 45, the combination of Criss et al., Wecker et al. and Fillibrown et al. differs from claims 17 and 45 of the present invention in that they do not disclose a second power contacts for electrically connecting to recharger contacts disposed on said wireless telephone; and a second power management circuit for selectively connecting said battery to said second power contacts. Shimura teaches a power contacts for electrically connecting to recharger contacts disposed on said wireless telephone (fig. 2 numbers 31a-31c; and a power management circuit (fig. 2 number 34) for selectively connecting said battery to said power contacts (col. 2 lines 47-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the

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combination of Criss et al., Wecker et al. and Fillibrown et al. with a second power contacts for electrically connecting to recharger contacts disposed on said wireless telephone; and a second power management circuit for selectively connecting said battery to said second power contacts in order to recharge the mobile terminal when the battery is low, as taught by Shimura.

7. Claims 19,20,21,67 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Criss et al. in view of Wecker et al. and Fillibrown et al. as applied to claims 1 and 56 above and in further view of Ausems et al..

Regarding claims 19,20,21,67 and 69, the combination of Criss et al., Wecker et al. and Fillibrown et al. differs from claims 19,20,21,67 and 69 of the present invention in that they do not disclose a GPS input for connecting a global positioning system (GPS) receiver and a card reader input for connecting a card reader. Ausems et al. teaches a GPS input for connecting a global positioning system (GPS) receiver (col. 5 lines 35-46) and a card reader input for connecting a card reader (col. 3 lines 15-20 and col. 5 lines 46-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the combination of Criss et al., Wecker et al. and Fillibrown et al. with a GPS input for

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connecting a global positioning system (GPS) receiver and a card reader input for connecting a card reader in order to determine the mobile terminal position and provide access to a wireless network by using its SIM card, as taught by Ausems et al..

8. Claims 22-25, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Criss et al. in view of Gerszberg and Fillibrown et al., newly cited reference.

Regarding claims 22-24, Criss et al. discloses a wireless data communication system (fig.1) comprising a mobile terminal (wireless personal server) (fig. 2), comprising: a radio frequency (Rf) receiver for receiving downstream data transmitted over a first wireless communications channel (paragraph 0056); a memory (fig. 1 number 50); a central processing unit (CPU) (fig. 1 number 40); a set of embedded machine language instructions, said set of embedded machine language instructions being executable by said CPU for processing said downstream data to provide at least one electronic file in said memory (paragraphs 0075, 0076 and 0082); the mobile terminal in communication with a network server (fig.1 numbers 36 and 30), and a first interface for allowing an external display (i.e. read only access) device to access said at least one electronic file (paragraph 0094). Criss et al. differs from claim 22 of the present invention in that it do not disclose the mobile terminal is a wireless intelligent network server, and said wireless intelligent network server causes a wireless telephone to transmit an acknowledgment signal over a second wireless communication channel. Gerszberg teaches a wireless telephone (fig. 1 number 101) in communication with a service provider (wireless network server) (fig. 1 number 105), the service provider (fig. 1 number 105) causes said wireless telephone to transmit an acknowledgment signal over a second wireless communication channel (col. 4 line 67 through col. 5 line 42). ). Fillibrown et al. teaches a wireless server (fig. 1 number 140) that may be implemented as a handheld device, personal computer, internet appliance, or other computing platform capable of executing software algorithms needed to enable a personal wireless network (paragraph 0061).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Criss et al. with the mobile terminal is a wireless intelligent network server, and said wireless intelligent network server causes said wireless telephone to transmit an acknowledgment signal over a second wireless communication channel in order for the wireless data communication system to receive an acknowledgment that the updated files within the mobile terminal are received within a wireless telephone, as taught by Gerszberg and Fillibrown et al..

Regarding claim 25, Criss et al. discloses said first interface (fig. 2 number 42) (keypad) allows said external display device to change said at least one electronic file (paragraph 0094).

Regarding claim 29, Criss et al. discloses said mobile terminal transmits upstream data over said second wireless communications channel, said upstream data reflecting changes to said at least one electronic file made by said external display device (paragraph 0094 and 0095).

Regarding claim 30, Criss et al. discloses a battery for powering said wireless intelligent personal server (fig. 17 number 505).

9. Claims 26 and 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Criss et al. in view of Gerszberg and Fillibrown et al. as applied to claims 22 and 23 above and in further view of Grew et al..

The combination of Criss et al., Gerszberg and Fillibrown et al. differs from claims 26 and 27 of the claimed invention in that they do not disclose said external display device is a personal digital assistant (PDA). Grew et al. teaches said external display device is a personal digital assistant (PDA) (fig. 2 and col. 1 lines 55-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the combination of Criss et al., Gerszberg and Fillibrown et al. with said external display device is a personal digital assistant (PDA) in order to have a small personal computer that an user could view download updated software file sent from the host computer, as taught by Grew et al..

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10. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Criss et al. in view of Gerszberg and Fillibrown et al. as applied to claims 22 and 30 above and in further view of Shimura.

The combination of Criss et al., Gerszberg and Fillibrown et al. differs from claims 31 of the claimed invention in that they do not disclose a first power contacts electrically connected to recharger contacts disposed on said wireless telephone; and a first power management circuit for selectively connecting said battery to said first power contacts. Shimura teaches a power contacts for electrically connecting to recharger contacts disposed on said wireless telephone (fig. 2 numbers 31a-31c; and a power management circuit (fig. 2 number 34) for selectively connecting said battery to said power contacts (col. 2 lines 47-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the combination of Criss et al., Gerszberg and Fillibrown et al. with a second power contacts for electrically connecting to recharger contacts disposed on said wireless telephone; and a second power management circuit for selectively connecting said battery to said second power contacts in order to recharge the mobile terminal when the battery is low, as taught by Shimura.

11. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Criss et al. in view of Gerszberg and Fillibrown et al. as applied to claims 22 and 30 above and in further view of Gombrich.

The combination of Criss et al., Gerszberg and Fillibrown et al. differs from claim 32 of the claimed invention in that they do not disclose a second power contacts electrically connected to recharger contacts disposed on said external display device; and a second power management circuit for selectively connecting said battery to said first power contacts. Gombrich teaches first power contacts for electrically connecting to recharger contacts disposed on said external display device (col. 8 line 57-col. 9 line 14); and a first power management circuit for selectively connecting said battery to said first power contacts (col. 7 lines 35-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the combination of Criss et al., Gerszberg and Fillibrown et al. with first power contacts for electrically connecting to recharger contacts disposed on said

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external display device; and a first power management circuit for selectively connecting said battery to said first power contacts in order to recharge said display when reviewing download files, as taught by Gombrich.

***Allowable Subject Matter***

12. Claims 8,28,79 and 80 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

13. Applicant's arguments filed April 5, 2005 have been fully considered but they are not deemed to be persuasive. The following are explanations to the applicant arguments:

14. Argument: Applicant alleges the provisional application clearly does not support the subject matter relied upon to make the rejections. In making the rejections, the Examiner has relied upon paragraph 0061 of Fillebrown for the proposition that Fillebrown teaches a wireless server (fig. 1 number 140) that may be implemented as a handheld device, personal computer, internet appliance, or other computing platform capable of executing software algorithms needed to enable a personal wireless network. However, this teaching is not found in the provisional application. If the Examiner believes otherwise, then the Examiner is respectfully requested to point out the specific text and/or figures in the provisional application that provide this teaching.

Explanation: Examiner respectfully disagrees because the provisional application clearly teaches a computer as an application server (wireless server) with bluetooth capabilities (fig. 1). See Page 7, 2.5 PC workstation with Bluetooth capabilities. The provisional application teaches a home network diagram wherein video is transmitted wirelessly to the tablets from the PC. Platform. Fillibrown et al. further teaches in

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the provisional application a Bluetooth evolution personal area network wherein a laptop computer is used as the application server with Bluetooth capabilities. The Fillibrown et al. U.S. Publication 2004/0204041 teaches a wireless server (fig. 1 number 140) that may be implemented as a handheld device, personal computer, internet appliance, or other computing platform capable of executing software algorithms needed to enable a personal wireless network (paragraph 0061). The provisional application does not recite the same paragraph 0061 of the U.S. Publication, however, the wireless server of the Publication is the same device as the computer as an application server in the provisional application (see fig. 1 in the provisional application).


### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (571) 272-7865. The examiner can normally be reached on 6:30am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson   
Art Unit 2683  
June 14, 2005